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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,441	10/30/2000	Hiroshi Kishi	107427	6528

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EXAMINER

ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/698,441

Applicant(s)

KISHI ET AL.

Examiner

Abbas I Abdulsalam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 8-14, 17 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-7, 15, 16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. In view of the appeal brief filed on 08/12/04, PROSECUTION IS HEREBY REOPENED as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-7, 15-16 and 18-19 rejected under 35 U.S.C. 102(b) as being anticipated by Wataru et al. (Japanese publication # 11-198745).

Regarding claim 1, Wataru et al. (hereinafter = Wataru) teaches a control apparatus for input screens that is installed in a vehicle (page 1, first paragraph under “DETAILED DESCRIPTION”) and constructed to input predetermined operation performed by an operator based on information displayed by display device as an operator guidance and change information to be displayed by the display device upon input of the operator guidance (page 2, fourth & fifth paragraphs under “DETAILED DESCRIPTION”, display screen (2a), control unit (2)), comprising: operation nullification device that prohibits the predetermined operation performed by the operator from being inputted as the operator guidance upon fulfillment of a predetermined traveling condition related to operation of the vehicle to prevent unsafe operation while the vehicle is traveling (see the abstract, where input operation by the driver is inhibited depending on a signal from car speed sensor (10)); and operation nullification canceller (Fig. 1 (2) Fig. 7(12, 13)) that cancels prohibition against the inputting of the predetermined operation performed by the operator as the operator guidance (see the abstract where inhibition of the input operation is released, also see switches (12, 13)) if a predetermined time period has elapsed since the prohibition against the inputting of the predetermined operation performed by the operator as the operator guidance (page 4 first paragraph under “DETAILED DESCRIPTION starting from lines 5, discharge of transit compulsion with respect to predetermined period of time).

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Regarding claim 2, Wataru teaches the operation nullification device is constructed to judge whether or not the predetermined traveling condition has been fulfilled, depending on information displayed by the display device (page 3 third & fourth paragraphs under “DETAILED DESCRIPTION”, Maine ECU 3 in steps 101-104).

Regarding claim 3, Wataru teaches first operation device for performing the predetermined operation based on a first action made by the operator; and second operation device for performing the predetermined operation based on a second action made by the operator, the second action being different from the first action, wherein: the operation nullification device that judges whether or not the predetermined traveling condition has been fulfilled, depending on whether the predetermined operation is performed by the first operation device or by the second operation device (Page 4 first paragraph under starting lines 15 under “DETAILED DESCRIPTION”).

Regarding claim 4, Wataru teaches a control apparatus for input screens that is installed in a vehicle (page 1, first paragraph under “DETAILED DESCRIPTION”), comprising: screen controller that causes display device to display information including a plurality of dummy switches and changing the information displayed by the display device to information corresponding to the operated dummy switch (page 2, fourth & fifth paragraphs under “DETAILED DESCRIPTION”, display screen (2a), control unit (2) and page 2, under “DETAILED DESCRIPTION” last two lines, control device 5-9 making a switch display); and operation nullification device that nullifies operation of the dummy switch (disabling touch

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switches page 3 lines 1-2 under “DETAILED DESCRIPTION”) upon fulfillment of a predetermined traveling condition related to operation of the vehicle and prohibits information displayed by the display device from being changed based on the operation to prevent unsafe operation while the vehicle is traveling(see the abstract, where input operation by the driver is inhibited depending on a signal from car speed sensor (10), and page 3 lines 1-2 under “DETAILED DESCRIPTION”), wherein the operation nullification device is constructed to judge whether or not the predetermined condition has been fulfilled, depending on the number of dummy switches included in information displayed by the display device (page 3 lines 1-5 under “DETAILED DESCRIPTION”, speed sensor (10)).

Regarding claim 5, Wataru teaches operation nullification canceller that cancels nullification of operation of the dummy switch if a predetermined time period has elapsed since the start of nullification of the operation by the operation nullification device (see the abstract where inhibition of the input operation is released, also see switches (12, 13), and page 4 first paragraph under “DETAILED DESCRIPTION starting from lines 5).

Regarding claim 6, Wataru teaches operation nullification canceller that cancels nullification of the operation of the dummy switch by the operation nullification device if the vehicle has stopped (see the abstract where inhibition of the input operation is released, also see switches (12, 13) and speed sensor (10)).

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Regarding claim 7, Wataru teaches first operation device for performing the predetermined operation based on a first action made by the operator; and second operation device for performing the predetermined operation based on a second action made by the operator, the second action being different from the first action, wherein the operation nullification device is constructed to judge whether or not the predetermined traveling condition has been fulfilled, depending on whether the predetermined operation is performed by the first operation device or by the second operation device((Page 4, first paragraph under starting lines 15 under "DETAILED DESCRIPTION").

Regarding claim 15, Wataru teaches a control apparatus for input screens that is installed in a vehicle (page 1, first paragraph under "DETAILED DESCRIPTION") and constructed to input predetermined operation performed by an operator based on information displayed by display device as an operator guidance and change information to be displayed by the display device upon input of the operator guidance (page 2, fourth & fifth paragraphs under "DETAILED DESCRIPTION", display screen (2a), control unit (2)), comprising: operation nullification means for prohibiting the predetermined operation performed by the operator from being inputted as the operator guidance upon fulfillment of a predetermined traveling condition related to operation of the vehicle to prevent unsafe operation while the vehicle is traveling (see the abstract, where input operation by the driver is inhibited depending on a signal from car speed sensor (10)); and operation nullification cancel means for canceling prohibition against the inputting of the predetermined operation performed by the operator as the operator guidance (see the abstract where inhibition of the input operation is released, also see switches (12, 13)) if a

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predetermined time period has elapsed since the prohibition against the inputting of the predetermined operation performed by the operator as the operator guidance (page 4 first paragraph under “DETAILED DESCRIPTION starting from lines 5, discharge of transit compulsion with respect to predetermined period of time).

Regarding claim 16, Wataru teaches a control apparatus for input screens that is installed in a vehicle (page 1, first paragraph under “DETAILED DESCRIPTION”), comprising: screen control means for causing display device to display information including a plurality of dummy switches and changing the information displayed by the display device to information corresponding to the operated dummy switch (page 2, fourth & fifth paragraphs under “DETAILED DESCRIPTION”, display screen (2a), control unit (2) and page 2, under “DETAILED DESCRIPTION” last two lines, control device 5-9 making a switch display); and operation nullification means for nullifying operation of the dummy switch (disabling touch switches page 3 lines 1-2 under “DETAILED DESCRIPTION”) upon fulfillment of a predetermined traveling condition related to operation of the vehicle and prohibiting information displayed by the display device from being changed based on the operation to prevent unsafe operation while the vehicle is traveling(see the abstract, where input operation by the driver is inhibited depending on a signal from car speed sensor (10), and page 3 lines 1-2 under “DETAILED DESCRIPTION”), wherein the operation nullification means is constructed to judge whether or not the predetermined condition has been fulfilled, depending on the number of dummy switches included in information displayed by the display device(page 3 lines 1-5 under “DETAILED DESCRIPTION”, speed sensor (10)).

Regarding claim 18, Wataru teaches a control method for input screens that is installed in a vehicle (page 1, first paragraph under “DETAILED DESCRIPTION”) and constructed to input predetermined operation performed by an operator based on information displayed by display device as an operator guidance and change information to be displayed by the display device upon input of the operator guidance (page 2, fourth & fifth paragraphs under “DETAILED DESCRIPTION”, display screen (2a), control unit (2)), comprising the steps of prohibiting the predetermined operation performed by the operator from being inputted as the operator guidance upon fulfillment of a predetermined traveling condition related to operation of the vehicle to prevent unsafe operation while the vehicle is traveling (see the abstract, where input operation by the driver is inhibited depending on a signal from car speed sensor (10)); and canceling prohibition(Fig. 1 (2) Fig. 7(12, 13)) against the inputting of the predetermined operation performed by the operator as the operator guidance(see the abstract where inhibition of the input operation is released, also see switches (12, 13)) if a predetermined time period has elapsed since the prohibition against the inputting of the predetermined operation performed by the operator as the operator guidance(page 4 first paragraph under “DETAILED DESCRIPTION” starting from lines 5, discharge of transit compulsion with respect to predetermined period of time).

Regarding claim 19, Wataru teaches a control method for input screens that is installed in a vehicle (page 1, first paragraph under “DETAILED DESCRIPTION”), comprising the steps of causing display device to display information including a plurality of dummy switches and

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changing the information displayed by the display device to information corresponding to the operated dummy switch (page 2, fourth & fifth paragraphs under “DETAILED DESCRIPTION”, display screen (2a), control unit (2) and page 2, under “DETAILED DESCRIPTION” last two lines, control device 5-9 making a switch display); judging whether or not a predetermined traveling condition related to operation of the vehicle has been fulfilled, depending on the number of dummy switches included in information displayed by the display device to prevent unsafe operation while the vehicle is traveling (page 3 lines 1-5 under “DETAILED DESCRIPTION”, speed sensor (10)); and nullifying operation of the dummy switch (disabling touch switches page 3 lines 1-2 under “DETAILED DESCRIPTION”) upon fulfillment of a predetermined condition and prohibiting information displayed by the display device from being changed based on the operation (see the abstract, where input operation by the driver is inhibited depending on a signal from car speed sensor (10), and page 3 lines 1-2 under “DETAILED DESCRIPTION”).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art is cited for further reference.

U.S. Pat. No. 6,064,323, to Ishii et al.

Allowable Subject Matter

5. Claims 8-14, 17 and 20 are allowed.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I Abdulsalam whose telephone number is (571) 271-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7685. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abbas abdulsalam

Examiner

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April 15, 2005


XIAO WU
PRIMARY EXAMINER